

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: JIM D. BOST, JR.
DEBTOR**

**CASE NO: 19-15092
CHAPTER 7**

**TRUSTEE'S MOTION TO REJECT LEASE AGREEMENT BETWEEN THE
DEBTOR AND ANY THIRD PARTIES**

COMES NOW, William L. Fava, Chapter 7 Trustee for the Estate of the above-named Debtor and files this Motion to Reject Lease, Tenancy and/or Occupancy Agreement Between the Debtor and any Third Parties, and in support thereof states as follows:

1. On December 18, 2019, the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code. The undersigned was appointed as the Chapter 7 Trustee in this case.

2. Debtor requested and was granted an extension of the deadline to file his schedules to January 16, 2020. On January 15, 2020, Debtor filed his Schedules A through J with this Court.

3. Debtor's Schedule A/B discloses his 100% ownership of certain real property located at 1351 Highway 51 South; Senatobia, Mississippi 38668 (the "Property"). Debtor states the current market value of the property is \$0.00.

4. Debtor's Schedule D lists one claim secured by the Property. This claim belongs to Betty Brewer and Debtor claims the total amount owed is \$83,000.00.

5. After investigation, it was determined that the property is worth

substantially more than \$0.00 and the debt owed to Betty Brewer is around \$60,000.00.

6. There is significant non-exempt equity in the Property above the debt owed to Betty Brewer.

7. Upon the filing of this case the Property became an asset of debtor's bankruptcy estate.

8. Prior to the filing of the case debtor entered into a lease agreement with a third party, believed to be Giovanni Elvir (the "Lessee"). The agreement leased .25 acres of the Property to the Lessee.

9. The Trustee was advised that the Lessee was paying the monthly rental payments of \$800.00 and that Lessee either had or would obtain insurance on the Property. Debtor promised to provide proof of the rental payments and insurance.

10. To date, Debtor has not provided proof of the rental payments or insurance on the Property.

11. The Trustee alleges the Lessee is in default on his lease payments and the lease should be terminated.

WHEREFORE, the undersigned requests that this Court grant this motion and deem the lease rejected.

RESPECTFULLY submitted, this the 19th day of June 2020.

_____/s/William L. Fava_____
WILLIAM L. FAVA (MSB# 101348)
Chapter 7 Trustee and Attorney at Law

P.O. Box 783
Southaven, MS 38671
(662) 536-1116

CERTIFICATE OF SERVICE

I, William L. Fava, Chapter 7 Trustee, do hereby certify that I have this day mailed a true and correct copy of the above Motion to Reject Lease to the following:

U.S. Trustee
Via ECF at USTPRegion05.AB.ECF@usdoj.gov

Tenant
1351 Hwy 51 South
Senatobia, MS 38668

DATED: June 19, 2020

/s/William L. Fava
WILLIAM L. FAVA
Chapter 7 Trustee

P.O. Box 783
Southaven, MS 38671
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